

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ULICO CASUALTY COMPANY

Plaintiff(s),

vs.

KEYBANK NATIONAL ASSOCIATION, ET AL.

Defendant(s).

Case No. 2:05-cv-791

Judge Watson

Magistrate Judge Kemp

**RULE 26(f) REPORT OF PARTIES**  
(to be filed no fewer than seven (7) days prior to the preliminary pretrial conference)

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on \_\_\_\_\_ and was attended by:

Glen R. Pritchard \_\_\_\_\_ counsel for plaintiff(s) ULICO Casualty Company \_\_\_\_\_

\_\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_

\_\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_

Jeffrey T. Peters \_\_\_\_\_ counsel for defendant(s) All Defendants \_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

2. The parties:

unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

**3. The parties:**

- have exchanged the pre-discovery disclosures required by Rule 26(a)(1).
- will exchange such disclosures by November 25, 2005.
- are exempt from disclosure under Rule 26(a)(1)(E).
- have agreed not to make initial disclosures.

**4. Jurisdiction and Venue**

**a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:**

Per Plaintiff's Memorandum Contra Motion to Dismiss, if the Court agrees with the Defendants

that Plaintiff does not have standing, then it is Plaintiff's position that the Court loses subject jur-

isdiction, and this case should be remanded to state court. Defendants disagree regarding remand.

**b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:**

None.

**c. Recommended date for filing motions addressing jurisdiction and venue:**

N/A

**5. Recommended cut-off date for filing any motion to amend the pleadings**

and/or to add additional parties: 1/15/2006

**6. Recommended discovery plan:**

**a. Describe the subjects on which discovery is to be sought and the nature and extent of discovery that each party will need:**

Exchange Interrogatories, Request for Production of Documents, Requests for Admission,

and depositions of 6 to 8 fact witnesses regarding Plaintiff's claims and alleged damages.

Also, depositions of expert witnesses regarding fiduciary duty.

- b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitation on interrogatories and the limitation of ten depositions, each lasting no more than one day consisting of seven (7) hours?

None

- c. Identify the discovery, if any, that can be deferred pending settlement discussions and/or resolution of potentially dispositive motions:

None.

- d. Describe the areas in which expert testimony is expected and indicate whether each expert will be specially retained within the meaning of F.R. Civ. P. 26(a)(2).

Plaintiff: unknown at this time.

Defendants: Expert testimony is necessary for Plaintiff to maintain cause of action against

Defendants for alleged breach of fiduciary duties and damages.

- e. Recommended date for making primary expert designations: \_\_\_\_\_

2/1/2006

- f. Recommended date for making rebuttal expert designations: \_\_\_\_\_

3/15/2006

- g. Recommended discovery cut-off date: 4/17/2006

7. Recommended dispositive motion date: 5/2/2006

8. Has a settlement demand been made? No A response? N/A

Date by which a settlement demand can be made: 11/15/2005

Date by which a response can be made: 2/1/2006

**9. The earliest Settlement Week referral reasonably likely to be productive**

**is the (choose one) March/ June/ September/ December (year) \_\_\_\_\_**

**Settlement Week.** March 2006

**10. Other matters for the attention of the Court:** \_\_\_\_\_

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**Signatures:**

**Attorney(s) for Plaintiff(s):**

/s/ Glen R. Pritchard

**Ohio Bar #** 0040453

**Trial Attorney for**

**Plaintiff**

**Ohio Bar #**

**Trial Attorney for**

**Ohio Bar #**

**Trial Attorney for**

**Ohio Bar #**

**Trial Attorney for**

**Attorney(s) for Defendant(s):**

/s/ Jeffrey T. Peters

**Ohio Bar #** 0071181

**Trial Attorney for**

**All Defendants**

**Ohio Bar #**

**Trial Attorney for**

**Ohio Bar #**

**Trial Attorney for**

**Ohio Bar #**

**Trial Attorney for**